

REMARKS

In the non-final Office Action, the Examiner rejects claims 38-50, 52, 56, 57, 59-62, and 64-71 on the grounds of non-statutory double patenting as being unpatentable over claims 1-15 of MOSHREFI et al. (U.S. Patent No. 6,750,897); rejects claims 38, 39, 41-49, 52, 66, 67, and 69-71 under 35 U.S.C. § 102(e) as anticipated by CRUICKSHANK (U.S. Patent No. 6,704,294); rejects claims 40, 56, 57, and 59 under 35 U.S.C. § 103(a) as unpatentable over CRUICKSHANK in view of THOMPSON et al. (U.S. Patent Application Publication No. 2001/0056466); and rejects claims 50, 60-62, 64, 65, and 68 under 35 U.S.C. § 103(a) as unpatentable over CRUICKSHANK in view of DIAMENT et al. (U.S. Patent Application No. 2002/0071539). Applicants respectfully traverse the above rejections.¹

By way of the present amendment, Applicants cancel claim 52 without prejudice or disclaimer and amend claims 60 and 65-67 to improve form. No new matter has been added by way of the present amendment. Claims 38-50, 56, 57, 59-62, and 64-71 remain pending.

Initially, Applicants filed an Information Disclosure Statement (IDS) on February 8, 2006. The Examiner did not consider the Foreign Patent Document JP 59-169264 on the Form 1449 with no explanation of why the document was not considered by the Examiner. Applicants respectfully request that the Examiner consider this document,

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine reference, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

initial at the appropriate place on the Form 1449, and return a copy of the Form 1449 with the next communication.

Pending claims 38-50, 56, 57, 59-62, and 64-71 stand rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1-15 of MOSHREFI et al. While not acquiescing in this rejection, but merely to expedite prosecution, Applicants submit a terminal disclaimer herewith to overcome the double patenting rejection.

For at least the foregoing reasons, Applicants respectfully request that the double patenting rejection of claims 38-50, 56, 57, 59-62, and 64-71 based on claims 1-15 of MOSHREFI et al. be reconsidered and withdrawn.

Pending claims 38, 39, 41-49, 66, 67, and 69-71 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by CRUICKSHANK. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. CRUICKSHANK does not disclose or suggest the combination of features in Applicants' claims 38, 39, 41-49, 66, 67, and 69-71.

For example, claim 38 recites a method of video conferencing that includes establishing a circuit-switched connection between a first party and a second party; retrieving, responsive to establishment of the circuit-switched connection, network addresses associated with each of the first and second parties from a remote database; and establishing, based on the retrieved network addresses, a packet-switched connection between the first party and the second party to transmit video. CRUICKSHANK does not disclose or suggest this combination of features.

For example, CRUICKSHANK does not disclose or suggest retrieving, responsive to establishment of a circuit-switched connection, network addresses associated with each of the first and second parties from a remote database. The Examiner relies on reference 118 and column 3, line 66 – column 5, line 7 of CRUICKSHANK as allegedly disclosing this feature (Office Action, pg. 3). Applicants respectfully disagree with the Examiner's interpretation of CRUICKSHANK.

Reference 118 of CRUICKSHANK illustrates a database used to obtain IP addresses of computers associated with a calling station and a called station when a person making a call has been connected to a collaboration facility (column 4, lines 18-22). Reference 118 of CRUICKSHANK does not disclose or suggest retrieving, responsive to establishment of a circuit-switched connection, network addresses associated with each of the first and second parties from a remote database, as required by claim 38.

At column 3, line 66 – column 5, line 7, CRUICKSHANK generally discloses establishing a data connection via a private branch exchange (PBX). This section of CRUICKSHANK discloses retrieving IP addresses of computers associated with a calling station and a called station when a person making a call has been connected to a collaboration facility of the PBX (column 3, line 66 – column 4, line 24). This section of CRUICKSHANK does not disclose or suggest retrieving, responsive to establishment of a circuit-switched connection, network addresses associated with each of the first and second parties from a remote database, as required by claim 38. Instead, CRUICKSHANK specifically discloses establishing a telephone link between two

telephones after retrieving IP addresses of computers associated with a calling station and a called station (column 4, lines 33-36).

For at least the foregoing reasons, Applicants submit that claim 38 is not anticipated by CRUICKSHANK.

Claims 39 and 41-47 depend from claim 38. Therefore, claims 39 and 41-47 are not anticipated by CRUICKSHANK for at least the reasons given above with respect to claim 38.

Claim 48 recites a server that includes a memory configured to store a look-up table that associates telephone numbers with network addresses; a communication interface configured to: receive a called party telephone number and a calling party telephone number associated with a connection in a circuit-switched network; and processing logic configured to retrieve a first network address associated with the called party telephone number and a second network address associated with the calling party telephone number from the look-up table, wherein the communication interface is further configured to: send a first message to a first node, associated with the called party number, wherein the first message comprises the second network address, and send a second message to a second node, associated with the calling party number, wherein the second message comprises the first network address. CRUICKSHANK does not disclose or suggest this combination of features.

For example, CRUICKSHANK does not disclose or suggest a communication interface configured to send a first message to a first node, associated with the called party number, wherein the first message comprises the second network address, and send a second message to a second node, associated with the calling party number, wherein the

second message comprises the first network address. The Examiner relies on references 124 and 522 and column 3, line 66 – column 8, line 2 of CRUICKSHANK as allegedly disclosing these features (Office Action, pp. 4-5). Applicants respectfully disagree with the Examiner's interpretation of CRUICKSHANK.

Reference 124 of CRUICKSHANK illustrates a LAN connecting personal computer 112 and packetized network 518 (column 5, lines 61-63). Reference 124 of CRUICKSHANK does not disclose or suggest a communication interface configured to send a first message to a first node, associated with the called party number, wherein the first message comprises the second network address, and send a second message to a second node, associated with the calling party number, wherein the second message comprises the first network address, as required by claim 48.

Reference 522 of CRUICKSHANK illustrates a LAN connecting personal computer 512 and packetized network 518 (column 5, lines 61-63). Reference 522 of CRUICKSHANK does not disclose or suggest a communication interface configured to send a first message to a first node, associated with the called party number, wherein the first message comprises the second network address, and send a second message to a second node, associated with the calling party number, wherein the second message comprises the first network address, as required by claim 48.

At column 3, line 66 – column 8, line 2, CRUICKSHANK generally discloses establishing a data connection via a private branch exchange (PBX). This section of CRUICKSHANK discloses that an application in the PBX sends a message to a personal computer of a calling station instructing the computer to initiate a collaboration connection with a recipient computer, where the instructions include an IP address of the

recipient computer (column 4, lines 26-33). The personal computer of the calling station then sends a message to the recipient computer that includes the IP address of the personal computer at the calling station (column 4, lines 45-52). This section of CRUICKSHANK does not disclose or suggest a server that includes a communication interface configured to send a first message to a first node, associated with the called party number, wherein the first message comprises the second network address, and send a second message to a second node, associated with the calling party number, wherein the second message comprises the first network address, as required by claim 48. Instead, CRUICKSHANK specifically discloses that a communication interface sends a message containing the network address of a second computer to a first computer and the first computer sends the network address of the first computer to the second computer.

For at least the foregoing reasons, Applicants submit that claim 48 is not anticipated by CRUICKSHANK.

Claim 49 depends from claim 48. Therefore, claim 49 is not anticipated by CRUICKSHANK for at least the reasons set forth above with respect to claim 48.

Claim 66 recites a method that includes receiving a called party identifier of a called party from a calling party having a calling party identifier; determining a called party IP address based on the called party identifier; determining a calling party IP address based on the calling party identifier; receiving first video and audio data from the calling party IP address and forwarding said first video and audio data to the called party IP address; and receiving second video and audio data from the called party IP address and forwarding said second video and audio data to the calling party IP address. CRUICKSHANK does not disclose or suggest this combination of features.

For example, CRUICKSHANK does not disclose or suggest receiving first video and audio data from the calling party IP address and forwarding the first video and audio data to the called party IP address, and receiving second video and audio data from the called party IP address and forwarding the second video and audio data to the calling party IP address. The Examiner relies on column 3, line 66 – column 5, line 26 and claim 4 of CRUICKSHANK as allegedly disclosing these features (Office Action, pg. 5). Applicants respectfully disagree with the Examiner's interpretation of CRUICKSHANK.

At column 3, line 66 – column 5, line 26, CRUICKSHANK generally discloses establishing a data connection via a private branch exchange (PBX). This section of CRUICKSHANK discloses that an application in the PBX sends a message to a personal computer of a calling station instructing the computer to initiate a collaboration connection with a recipient computer, wherein the instructions include an IP address of the recipient computer (column 4, lines 26-33). The personal computer of the calling station then sends a message to the recipient computer that includes the IP address of the personal computer at the calling station (column 4, lines 45-52). This section of CRUICKSHANK does not disclose or suggest receiving first video and audio data from the calling party IP address and forwarding the first video and audio data to the called party IP address, and receiving second video and audio data from the called party IP address and forwarding the second video and audio data to the calling party IP address, as required by claim 66. Instead, CRUICKSHANK specifically discloses that a communication interface sends a message containing the network address of a second computer to a first computer and the first computer sends the network address of the first computer to the second computer.

Claim 4 of CRUICKSHANK discloses that a collaborative session allows at least one of video communication, application sharing, file transfer, whiteboard, and chat.

This section of CRUICKSHANK does not disclose or suggest receiving first video and audio data from the calling party IP address and forwarding the first video and audio data to the called party IP address, and receiving second video and audio data from the called party IP address and forwarding the second video and audio data to the calling party IP address, as required by claim 66.

For at least the foregoing reasons, Applicants submit that claim 66 is not anticipated by CRUICKSHANK.

Claims 67 and 69-71 depend from claim 66. Therefore these claims are not anticipated by CRUICKSHANK for at least the reasons given above with respect to claim 66.

Claims 40, 56, 57, and 59 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CRUICKSHANK in view of THOMPSON et al. Applicants respectfully traverse this rejection.

Claim 40 depends from claim 38. The disclosure of THOMPSON et al. does not remedy the deficiencies in the disclosure of CRUICKSHANK set forth above with respect to claim 38. Therefore, claim 40 is patentable over CRUICKSHANK and THOMPSON et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 38.

Independent claim 56 recites a method of assisting in the establishment of a packet-switched connection between nodes in a packet-switched network. The method includes receiving a plurality of telephone numbers; receiving a plurality of network

addresses in a packet-switched network; associating each of the plurality of telephone numbers with a respective one of the plurality of network addresses in a database; retrieving from the database, based on the establishment of a circuit switched connection between two telephone numbers of the plurality of telephone numbers, respective network addresses associated with each of the two telephone numbers; and assisting in the establishment of a packet-switched connection between two nodes in the packet-switched network using the respective network addresses, wherein each of the two nodes is associated with a different one of the two telephone numbers. CRUICKSHANK and THOMPSON et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features in claim 56.

For example, CRUICKSHANK and THOMPSON et al. do not disclose or suggest associating each of a plurality of received telephone numbers with a respective one of a plurality of received network addresses in a database. The Examiner admits that CRUICKSHANK does not disclose receiving a plurality of telephone numbers and receiving a plurality of network addresses in a packet-switched network, yet relies on column 3, line 66 – column 5, line 25 of CRUICKSHANK as allegedly disclosing associating each of a plurality of received telephone numbers with a respective one of a plurality of received network addresses in a database (Office Action, pg. 8). Applicants respectfully disagree with the Examiner's interpretation of CRUICKSHANK.

At column 3, line 66 – column 5, line 25, CRUICKSHANK generally discloses establishing a data connection via a private branch exchange (PBX). This section of CRUICKSHANK discloses receiving identification numbers of both an initiator and a recipient of a collaboration call and using a database to determine IP addresses of

computers associated with a calling station and a called station. This section of CRUICKSHANK does not disclose receiving network addresses. Therefore, this section of CRUICKSHANK cannot disclose or suggest associating each of a plurality of received telephone numbers with a respective one of a plurality of received network addresses in a database, as required by claim 56.

The disclosure of THOMPSON et al. does not remedy the deficiency in the disclosure of CRUICKSHANK.

For at least the foregoing reason, Applicants submit that claim 56 is patentable over CRUICKSHANK and THOMPSON et al., whether taken alone or in any reasonable combination.

Claims 57 and 59 depend from claim 56. Therefore, claims 57 and 59 are patentable over CRUICKSHANK and THOMPSON et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 56.

Claims 50, 60-62, 64, 65, and 68 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CRUICKSHANK in view of DIAMENT et al. Applicants respectfully traverse this rejection.

Claim 50 depends from claim 48. The disclosure of DIAMENT et al. does not remedy the deficiencies in the disclosure of CRUICKSHANK set forth above with respect to claim 48. Therefore, claim 50 is patentable over CRUICKSHANK and DIAMENT et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 48.

Amended independent claims 60 and 65 recite features similar to, yet possibly of different scope than, features recited above with respect to claim 48. The disclosure of

DIAMENT et al. does not remedy the deficiencies in the disclosure of CRUICKSHANK set forth with regard to claim 48. Therefore, claims 60 and 65 are patentable over CRUICKSHANK and DIAMENT et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 48.

Claims 61, 62, and 64 depend from claim 60. Therefore, claims 61, 62, and 64 are patentable over CRUICKSHANK and DIAMENT et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 60.

Claim 68 depends from claim 66. The disclosure of DIAMENT et al. does not remedy the deficiencies in the disclosure of CRUICKSHANK set forth above with respect to claim 66. Therefore, claim 68 is patentable over CRUICKSHANK and DIAMENT et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 66.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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